

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Civil Citation No. 76185

Dennis K. Agboh
Elizabeth J. Agboh
116 Nob Hill Park
Reisterstown MD 21136

9329 Liberty Road

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on June 1, 2010 for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 13-7-401; 13-7-201 (b); Baltimore County Zoning Regulations (BCZR) section 428, 1B01.1B.1, failure to cease illegal parking/storage of unlicensed/inoperable vehicles, failure to cut and maintain grass/weeds, failure to clean the exterior grounds of all trash, junk and debris on residential property known as 9329 Liberty Road, 21133.

On May 11, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Paul Cohen issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$12,600.00 (twelve thousand six hundred dollars).

The following persons appeared for the Hearing and testified: Dennis Agboh, Respondent, Gabriel Tanwani, tenant and, Paul Cohen, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on April 21, 2010 for removal of open dump/junk yard from this commercial property, remove trash and debris, store garbage in containers with tight lids, cut and remove tall grass and weeds, illegal parking/storage of unlicensed/inoperable vehicles, remove all auto parts and tires, clean exterior grounds of all junk, trash and debris. This Citation was issued on May 11, 2010.

B. Inspector Paul Cohen testified that he discussed the violations with the tenant of the property, Mr. Tanwani, when he issued the Correction Notice. Mr. Cohen testified that when he returned to the property on May 11, he found thirteen untagged vehicles parked on the property, with several in obvious disrepair. Photographs in the file show numerous vehicles with no license plates. Re-Inspection on May 28, 2010 found ten vehicles without tags still parked on the property. Photographs also show junk, trash and debris including a discarded mattress.

C. The property owner, Mr. Agboh, testified that his tenant thought he had permission to park cars on the parking lot. Mr. Tanwani, the tenant, testified that he has a permit for a parking lot and that the property was previously used for a car sales business. He testified that he was going to ship the cars overseas. He further testified that the property has been cleaned up, and provided four photographs showing paved areas of the property with no cars or other items on the property.

D. This property is zoned B.R. (Business, Roadside). Multiple business uses are permitted in this zone, including all uses allowed in B.M. (Business, Major) or B.L. (Business, Local) zones, but none of these zones permit a junkyard operation, even by special exception. County zoning regulations define a "junkyard" inter alia as any land used for the storage of unlicensed or inoperative motor vehicles except for unlicensed motor vehicles located at automotive service stations, service garages or vehicle outdoor sales areas. Because this property is not being used for a service station, service garage or sales operation, the storage of unlicensed motor vehicles constitutes a junkyard and violates zoning regulations. Unlicensed or inoperative motor vehicles cannot be parked outside on the property.

E. Respondent testified that the violations were corrected prior to this Hearing, but the pre-hearing inspection found ten untagged cars. The photographs provided by Respondent do not show the grass areas of the property, where multiple inspections have found untagged cars being stored and have also found junk, trash and debris. Because compliance is the goal of code enforcement, the civil penalty will be reduced if re-inspection finds the violations have been corrected. If untagged or inoperative vehicles are found on the property, the full civil penalty will be imposed and the County will be authorized to remove such vehicles at the property owner's expense. Respondent is advised that under departmental policy, any repeat violation will be subject to immediate Citation with possible civil penalty.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$5,000.00 (five thousand dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$500.00 (five hundred dollars) if the violations are corrected by June 16, 2010.

IT IS FURTHER ORDERED that after June 16, 2010, the County may enter the property for the purpose of removing all untagged or inoperative motor vehicles, at the expense of the property owner.

IT IS FURTHER ORDERED that after June 16, 2010, the County may enter the property for the purpose of removing all junk, trash and debris, at the expense of the property owner.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 3rd day of June 2010

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

NOTICE TO RESPONDENT: The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.

MZF/jaf